

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 15-00240-01-CR-W-GAF
)	
TERREALL MCDANIEL,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 5, 2017. Defendant McDaniel appeared in person and with appointed counsel Todd Schultz. The United States of America appeared by Assistant United States Attorney Alison Dunning.

I. BACKGROUND

On July 28, 2015, an indictment was returned charging Defendant with two counts of possession with the intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(1)(a), (b)(1)(C) and (b)(1)(D), one count of possessing a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i), two counts of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 924(g)(1) and 924(e)(1), and one count of possessing a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(C)(i).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Dunning announced that she and Emily Morgan will be the trial counsel for the

government. The case agent to be seated at counsel table is Charles Becker, ATF.

Mr. Schultz announced that he will be the trial counsel for Defendant McDaniel.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Dunning announced that the government intends to call 12 witnesses without stipulations or 9 witnesses with stipulations during the trial.

Mr. Schultz announced that Defendant McDaniel does not intend to call any witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Ms. Dunning announced that the government will offer approximately 50-55 exhibits in evidence during the trial.

Mr. Schultz announced that Defendant McDaniel will not offer any exhibits in evidence during the trial.

VI. RULE 404(b) EVIDENCE

Ms. Dunning announced that the government will offer 404(b) or res gestae evidence during the trial.

Mr. Schultz announced that Defendant McDaniel will not offer 404(b) or res gestae evidence during the trial.

VII. DEFENSES

Mr. Schultz announced that Defendant McDaniel will rely on the defense of general denial.

VIII. POSSIBLE DISPOSITION

Mr. Schultz stated this case is definitely for trial.

Ms. Dunning stated the government had proposed a plea agreement to the defendant.

IX. STIPULATIONS

Stipulations may be executed as to chain of custody, chemist's reports, the defendant's prior felony conviction and the interstate nexus of the firearm.

X. TRIAL TIME

Counsel were in agreement that this case will take 2-3 days to try.

XI. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed November 4, 2016, counsel for each party file and serve a **list of exhibits** he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **July 5, 2017**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, Wednesday, **July 12, 2017**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, Wednesday, **July 12, 2017**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

That counsel for each party file all **signed stipulations** by or before noon, Wednesday, **July 12, 2017**;

That **seven days before the trial date** as reflected in the forthcoming trial letter, if there is not a scheduled change-of-plea hearing, the parties shall make available for the opposing party to inspect, copy or photograph (1) **all premarked trial exhibits**, (2) **any written statements that will be used at trial**, and (3) **Rule 404(b) and res gestae evidence to be offered at trial**.

XII. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XIII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on July 17, 2017. The parties agree that the first week of the docket is preferred.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
July 5, 2017
cc: Mr. Kevin Lyon